

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ROME DIVISION

EARL PARRIS, JR., individually, and)
on behalf of a Class of persons similarly)
situated,)

Plaintiff,)

CITY OF SUMMERVILLE,)
GEORGIA,)

Intervenor-Plaintiff,)

v.)

3M COMPANY, et al.,)

Defendants.)

CIVIL ACTION NO.:
4:21-CV-00040-TWT

NOTICE OF INJUNCTION AND STAY

Defendant 3M Company submits the following notice that, by order of the United States District Court for the District of South Carolina, the action of the City of Summerville, Georgia (the “City of Summerville”) is stayed as to 3M. The stay and injunction remain in effect and continue to apply at least until after a Final Fairness Hearing scheduled for February 2, 2024, even as to Eligible Claimants that ultimately submit a timely and valid request for exclusion. In support of its notice, 3M states the following:

1) On August 29, 2023, the United States District Court for the District of South Carolina entered a Preliminary Approval Order for Settlement Between Public Water Systems and 3M Company (the “Order”) in *In re: Aqueous Film- Forming Foams Products Liability Litigation*, Master Docket No. 2:18-mn-2873-RMG (the “AFFF MDL”). A copy of the Order is attached as Exhibit A.

2) As described in the Order, 3M and plaintiffs in the AFFF MDL recently reached an agreement to resolve litigation involving a class of Public Water Systems that pull from water sources that have been found to contain PFAS at any level.

3) The South Carolina district court preliminarily approved the settlement and the proposed class, stayed this action through at least the Final Fairness Hearing on February 2, 2024, and enjoined the City of Summerville from continuing to litigate its claims against 3M in this Court prior to that hearing. Ex. A at 15.

4) More specifically, the Order states:

Pursuant to the Court’s inherent authority to control its own docket and its powers under the All Writs Act, 28 U.S.C. § 1651, (a) all litigation in any forum or jurisdiction (whether federal, state, or otherwise) brought by or on behalf of any Eligible Claimant or Releasing Party and that asserts a Released Claim, and all Claims and proceedings therein, are hereby STAYED as to any Released Party, except as to proceedings that may be necessary to implement the Settlement, to remove an action to federal court, or to obtain transfer by the Judicial Panel on Multidistrict Litigation; and (b) all Eligible Claimants and Releasing Parties are ENJOINED from filing or prosecuting any litigation that asserts a Released Claim in any forum or jurisdiction (whether federal, state, or otherwise) against any of the Released Parties, ***provided however, that, after the Final Fairness Hearing, the stay and***

injunction shall not apply to any Person who has filed (and not withdrawn) a timely and valid Request for Exclusion and that the stay and injunction shall not apply to litigation brought by a State or the federal government. The foregoing stay and injunction shall remain in effect until the earlier of (a) the Effective Date, in which case such provisions shall be superseded by the provisions of the Order Granting Final Approval, or (b) the termination of the Settlement Agreement in accordance with its terms.

Id. at 15-16 (emphasis added).

5) Plaintiff City of Summerville in this action is an Eligible Claimant and part of the preliminary class approved by the South Carolina district court. Similarly, the City of Summerville's claims are Released Claims, and 3M is a Released Party.

6) This action meets all requirements for the stay and injunction imposed by the South Carolina district court and is stayed, and the City of Summerville is enjoined from litigating its claims against 3M in this Court, at least until after the Final Fairness Hearing on February 2, 2024.

Dated: September 1, 2023

Respectfully submitted,

/s/ Robert B. Remar

Robert B. Remar
GA Bar No. 600575
Monica P. Witte
GA Bar No. 405952
SMITH, GAMBRELL

& RUSSELL, LLP
1105 W. Peachtree St. NE
Suite 1000
Atlanta, GA 30309
Phone: (404) 815-3500
Facsimile: (404) 815-3509
rremar@sgrlaw.com
mwitte@sgrlaw.com

Jackson R. Sharman, III
GA Bar No. 637930
Benjamin P. Harmon
GA Bar No. 979043
M. Christian King (*PHV*)
Harlan I. Prater, IV (*PHV*)
W. Larkin Radney, IV (*PHV*)
Tatum Jackson (*PHV*)
LIGHTFOOT, FRANKLIN
AND WHITE LLC
The Clark Building 400 20th
Street North
Birmingham, AL 35203
Telephone: (205) 581-0700
jsharman@lightfootlaw.com
bharmon@lightfootlaw.com
cking@lightfootlaw.com
hprater@lightfootlaw.com
lradney@lightfootlaw.com
tjackson@lightfootlaw.com

Counsel for Defendant 3M Company

CERTIFICATE OF COMPLIANCE

Pursuant to Northern District of Georgia Civil Local Rule 7.1.D., the undersigned counsel certifies that the foregoing filing is prepared in Times New Roman 14-point font, as mandated in Local Rule 5.1.C.

/s/ Robert B. Remar

Robert B. Remar
GA Bar No. 600575
SMITH, GAMBRELL & RUSSELL, LLP
rremar@sgrlaw.com

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing **NOTICE OF INJUNCTION AND STAY** has been filed electronically with the Clerk of Court by using the CM/ECF system which will automatically email all counsel of record.

This 1st day of September, 2023.

/s/ Robert B. Remar

Robert B. Remar

GA Bar No. 600575

SMITH, GAMBRELL & RUSSELL, LLP

rremar@sgrlaw.com